

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *G0025* OF 2015



SHANGHAI INTERNATIONAL CAPITAL MANAGEMENT LIMITED

CAPITAL PLAINTIFF

SHANGHAI INTERNATIONAL CAPITAL MANAGEMENT (CAYMAN) LIMITED

CAPITAL DEFENDANT



WRIT OF SUMMONS

TO: SHANGHAI INTERNATIONAL CAPITAL MANAGEMENT (CAYMAN) LIMITED  
C/- Maples Corporate Services Limited  
PO Box 309  
Ugland House, South Church Street  
George Town, Grand Cayman, Cayman Islands.

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this *19<sup>th</sup>* day of *February* 2015

**NOTE** – This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

**INDORSEMENT OF CLAIM**

The Plaintiff's claim is for sum of HKD3,725,764.05 being expenses payable by the Defendant to the Plaintiff pursuant to an agreement and/or understanding between the Plaintiff and the Defendant, which is partially oral and partially written by which the Defendant agreed that from 2014 onwards, all the expenses incurred or to be incurred by the Plaintiff for setting up, managing and/or operating Shanghai International Global Acquisition Fund I, L.P. (the "**Fund**") would be reimbursed by the Defendant. Alternatively, the Plaintiff claims against the Defendant in restitution for the repayment of the sum of HKD3,725,764.05, which was incurred by the Plaintiff on behalf of the Defendant for the benefit of the Fund, on the understanding that the same would be reimbursed by the Defendant to the Plaintiff.

**AND THE PLAINTIFF** claims:

1. Payment of HKD3,725,764.05
2. Interest for such period and at such a rate as the Court shall think just;
3. Costs and
4. Such further or other relief as the Court shall deem fit.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of HKD3,725,764.05 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

Dated this 19<sup>th</sup> day of February 2015



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**WALKERS**  
Attorneys at Law for the Plaintiff

This Writ is issued by Walkers, Attorneys at Law, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001, Cayman Islands, for the Join Voluntary Liquidators of the Plaintiff whose address for service is care of its said Attorneys at Law.

**Acknowledgement of service of writ of summons (0.12, r.3)**

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE**  
**OF WRIT OF SUMMONS**

1. The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

**See over for notes for guidance**

**Please complete overleaf**

## Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description
5. "Partner in the firm of (.....)" after his name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.



(Signed) \_\_\_\_\_

Attorney for the Defendant

Address for service:

**Please complete overleaf**

**Notes on address for Service**

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Walkers  
Attorneys at Law  
190 Elgin Avenue  
George Town  
Grand Cayman KY1-9001  
Cayman Islands  
  
Tel: +1 345 814 4548  
Email: [niall.hanna@walkersglobal.com](mailto:niall.hanna@walkersglobal.com)  
Ref: JC/H11277

Indorsement by Defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.